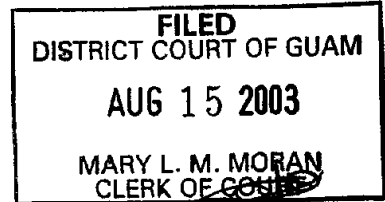


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8 Attorneys for Plaintiff Shell Guam, Inc.

9 IN THE DISTRICT COURT OF GUAM

10 SHELL GUAM, INC., )  
11 a Guam corporation, )

12 Plaintiff, )

13 vs. )

14 M/V GYOKO MARU NO. 18, )  
15 and NIKKI SUISAN CORPORATION, )  
16 a Japan corporation, )

17 Defendants. )  
18

CIVIL CASE NO. CIV03-00021

MOTION FOR AN ORDER  
REGARDING WEATHER CONDITIONS

[NO HEARING REQUIRED]

19 COMES NOW, Plaintiff Shell Guam, Inc. (hereinafter "**Plaintiff**") by and through its  
20 attorney of record, Steven A. Zamsky, Esq., of the Zamsky Law Firm, and advises this court of the  
21 matters hereinafter set forth and moves that this court enter an order as hereinafter set forth.

22 Counsel has been advised by the Custodian Captain Jurgen Unterberg (hereinafter  
23 "**Custodian**"), that the storm which is presently near Chuuk is likely to pass over Guam and it is  
24 possible that the winds will be strong enough to be a danger to the M/V Gyoko Maru No. 18  
25 (hereinafter "**Vessel**").  
26  
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28

ORIGINAL

5 The Vessel was abandoned by its owner at the time of its arrest and has no attorney or  
6 representative on Guam as far as known to Plaintiff.

7 The Vessel is not in a condition to be sailed.

8 Neither Plaintiff nor the Custodian desire to be responsible for any damage to the Vessel due  
9 to the storm.

10 If the storm does pass over Guam, it is presently forecast to do so on Sunday morning,  
11 August 17, 2003.

12 Plaintiff is therefore requesting an order now, but having it come into effect immediately  
13 upon Condition II being declared.

14 **WHEREFORE**, Plaintiff moves the entry for an order as follows:

15 1. At such time within one week of the date of the order as Condition II is declared on  
16 Guam, the arrest shall be released and stayed and the Plaintiff, U.S. Marshal and the Custodian shall  
17 have no responsibility for any damage to the Vessel.

18 2. Custodian shall, before Condition II is declared, secure the Vessel as well as is  
19 possible in light of all circumstances as is bet in his judgment.

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5 3. At such time as the Island of Guam is declared to be in Typhoon Condition IV, the  
6 award of arrest shall be effective and the Custodian and the U.S. Marshal shall retake possession  
7 of the Vessel.

8 Respectfully submitted this 15 day of AUGUST 2003.

9 ZAMSKY LAW FIRM  
10 Attorneys for Plaintiff Shell Guam, Inc.

11 By:   
12 STEVEN A. ZAMSKY

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